
**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

**SECOND CIRCUIT
COURT OF APPEALS**

UNITED STATES OF AMERICA

Appellee,

18-CR-6094

vs.

2d CIR. DOCKET NO. 22-1062; 22-1143

XAVIER TORRES,

Defendant-Appellant

INDEX TO RECORD ON APPEAL

All documents on the attached docket report.

Dated: Rochester, New York
June 7, 2022

Respectfully submitted,

/s/ Maurice J. Verrillo
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Attorney for the Defendant
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U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Rochester)
CRIMINAL DOCKET FOR CASE #: 6:18-cr-06094-FPG-MJP-5

Case title: USA v. Figueroa et al

Date Filed: 07/12/2018

Magistrate judge case number: 6:18-mj-00686-JWF

Date Terminated: 05/24/2022

Assigned to: Hon. Frank P. Geraci, Jr.
Referred to: Hon. Mark W. Pedersen

Defendant (5)

Xavier Torres

TERMINATED: 05/24/2022

also known as

Pistolita

TERMINATED: 05/24/2022

represented by **Lucy Anderson Brado**

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TERMINATED: 04/05/2019

Designation: CJA Appointment

Pending Counts

Disposition

21:846=ND.F CONSPIRACY TO
DISTRIBUTE NARCOTICS

Dismissed.

(1)

21:846=ND.F CONSPIRACY TO
DISTRIBUTE NARCOTICS

Dismissed.

(1s)

21:846=ND.F CONSPIRACY TO
DISTRIBUTE NARCOTICS

Dismissed.

(1ss)

21:846=ND.F CONSPIRACY TO
DISTRIBUTE NARCOTICS

Life; 10 years supervised release; \$2,500
fine; \$100 SpA

(1sss)

18:924C.F VIOLENT
CRIME/DRUGS/MACHINE GUN

Dismissed.

(2)

18:924C.F VIOLENT
CRIME/DRUGS/MACHINE GUN

Dismissed.

(2s)

18:924C.F VIOLENT
CRIME/DRUGS/MACHINE GUN

Dismissed.

(2ss)

18:924C.F VIOLENT
CRIME/DRUGS/MACHINE GUN

240 months, consecutive to Count 1sss; 5
years supervised release, concurrent with
Count 1sss; \$100 SpA

(2sss)

21:841A=NP.F NARCOTICS -
POSSESSION

5 Dismissed.

(3-4)

21:841A=ND.F NARCOTICS - SELL,
DISTRIBUTE, OR DISPENSE

Dismissed.

(10s-11s)

21:841A=ND.F NARCOTICS - SELL,
DISTRIBUTE, OR DISPENSE

12ss, 13ss Dismissed.

(11ss)

21:841A=ND.F NARCOTICS - SELL,
DISTRIBUTE, OR DISPENSE

Dismissed.

(15s)

21:841A=ND.F NARCOTICS - SELL,
DISTRIBUTE, OR DISPENSE

Dismissed.

(15ss-16ss)

21:856=NM.F NARCOTICS -
MANUFACTURE

Dismissed.

(16s)

21:856=NM.F NARCOTICS -
MANUFACTURE

Dismissed.

(17ss)

Highest Offense Level (Opening)

Felony

Terminated Counts

21:841A=NP.F NARCOTICS -
POSSESSION
(5)

21:841A=ND.F NARCOTICS - SELL,
DISTRIBUTE, OR DISPENSE
(5sss-6sss)

21:841A=ND.F NARCOTICS - SELL,
DISTRIBUTE, OR DISPENSE
(12s)

21:841A=ND.F NARCOTICS - SELL,
DISTRIBUTE, OR DISPENSE
(12ss-13ss)

21:841A=ND.F NARCOTICS - SELL,
DISTRIBUTE, OR DISPENSE
(12sss-13sss)

21:841A=ND.F NARCOTICS - SELL,
DISTRIBUTE, OR DISPENSE
(14s)

21:856=NM.F NARCOTICS -
MANUFACTURE
(14sss)

Disposition

5 Dismissed.

5sss, 6sss Dismissed on Government
Motion.

Dismissed.

12ss, 13ss Dismissed.

12sss, 13sss Dismissed on Government
Motion.

Dismissed.

Dismissed on Government Motion.

Highest Offense Level (Terminated)

Felony

Complaints

21:841A=CD.F - Possess with intent to
distribute cocaine and heroin

Disposition**Plaintiff**

USA

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Date Filed	#	Docket Text
11/30/2018	<u>1</u>	COMPLAINT as to Xavier Torres (1). (LMD) [6:18-mj-00686-JWF] (Entered: 11/30/2018)
11/30/2018	<u>2</u>	MOTION to Seal by USA as to Xavier Torres. (LMD) [6:18-mj-00686-JWF] (Entered: 11/30/2018)
11/30/2018	<u>3</u>	ORDER granting <u>2</u> Motion to Seal as to Xavier Torres for no longer than 6 months (1). Signed by Hon. Jonathan W. Feldman on 11/30/2018.(LMD) [6:18-mj-00686-JWF] (Entered: 11/30/2018)
12/05/2018		Arrest of Xavier Torres (CAM) [6:18-mj-00686-JWF] (Entered: 12/06/2018)
12/06/2018		Case unsealed as to Xavier Torres (CAM) [6:18-mj-00686-JWF] (Entered: 12/06/2018)
12/06/2018	<u>4</u>	Minute Entry for proceedings held before Hon. Marian W. Payson:Initial Appearance as to Xavier Torres held on 12/6/2018. Defendant advised of rights. The government summarizes the charges. Defendant requests court-appointed counsel. Michael Scibetta appointed. The government moves for detention on risk of flight and dangerousness. Detention Hearing/Set PH Date set for 12/10/18 @ 11:30 a.m. before Judge Feldman.Appearances: Katelyn Hartford, AUSA, Defendant with Michael Scibetta, Esq., Troy Zeller, POA(Digital Recording)(CAM) [6:18-mj-00686-JWF] (Entered: 12/06/2018)
12/06/2018	<u>5</u>	CJA 23 Financial Affidavit by Xavier Torres. (CAM) [6:18-mj-00686-JWF] (Entered: 12/06/2018)

12/10/2018	6	TEXT ORDER as to Xavier Torres Detention Hearing reset from 12/10/2018 11:30 AM to 12/10/2018 02:30 PM before Hon. Jonathan W. Feldman. Signed by Hon. Jonathan W. Feldman on 12/10/2018.(LMD) [6:18-mj-00686-JWF] (Entered: 12/10/2018)
12/10/2018	7	Minute Entry for proceedings held before Hon. Jonathan W. Feldman: Appearances: Def. w/Michael Scibetta, Esq.; Katelyn Hartford, AUSA and Troy Zeller, POA. Status Conference as to Xavier Torres held on 12/10/2018. Detention hearing not held. Defense requests 30 days to review discovery. Status Conference set for 1/11/2019 03:00 PM before Hon. Jonathan W. Feldman. Time Excluded as to Xavier Torres from: 12/10/2018 to 1/11/2019 in the interest of justice. (Digital Recording.) (LMD) [6:18-mj-00686-JWF] (Entered: 12/10/2018)
12/11/2018	<u>8</u>	Arrest Warrant Returned Executed on 12/4/2018 in case as to Xavier Torres. (LMD) [6:18-mj-00686-JWF] (Entered: 12/11/2018)
12/11/2018	<u>9</u>	Writ of Habeas Corpus ad Prosequendum Returned Executed as to Xavier Torres on 12/4/2018. (LMD) [6:18-mj-00686-JWF] (Entered: 12/11/2018)
12/11/2018		E-Filing Notification: Document filed in wrong case. Disregard docket entry. <u>9</u> Writ of Habeas Corpus ad Prosequendum Returned Executed as to Xavier Torres on 12/4/2018. (LMD) [6:18-mj-00686-JWF] (Entered: 01/10/2019)
01/11/2019	10	Minute Entry for proceedings held before Hon. Jonathan W. Feldman: Appearances: Def. w/Michael Scibetta, Esq.; Katelyn Hartford, AUSA. Status Conference as to Xavier Torres held on 1/11/2019, Defense requests 2-week adjournment as awaiting additional discovery. No objection from government counsel. Status Conference set for 1/25/2019 09:30 AM before Hon. Jonathan W. Feldman.), Time Excluded as to Xavier Torres from: 1/11/2019 to 1/25/2019 in the interest of justice from the speedy indictment clock. (Digital Recording.) (LMD) [6:18-mj-00686-JWF] (Entered: 01/15/2019)
01/25/2019	11	Minute Entry for proceedings held before Hon. Jonathan W. Feldman: Appearances: Def. w/Michael Schibetta, Esq.; Katelyn Hartford, AUSA and Troy Zeller, POA. Status Conference as to Xavier Torres held on 1/25/2019. Status Conference set for 2/8/2019 09:30 AM before Hon. Jonathan W. Feldman. Time Excluded as to Xavier Torres from: 1/25/2019 to 2/8/2019 in the interest of justice pursuant to 18 USC § 3161(h)(7). (Digital Recording.) (LMD) [6:18-mj-00686-JWF] (Entered: 01/28/2019)
02/08/2019	12	Minute Entry for proceedings held before Hon. Jonathan W. Feldman: Appearances: Def. w/Michael Scibetta, Esq.; Katelyn Hartford, AUSA and Troy Zeller, POA. Status Conference as to Xavier Torres held on 2/8/2019. Preliminary Hearing set for 2/20/2019 04:00 PM before Hon. Jonathan W. Feldman. (Digital Recording.) (LMD) [6:18-mj-00686-JWF] (Entered: 02/08/2019)
02/14/2019	<u>141</u>	SEALED SUPERSEDING INDICTMENT as to Carlos Javier Figueroa (1) count(s) 1s, 2s, Roberto Figueroa (3) count(s) 1s, 2s, Jonathan Cruz-Carmona (4) count(s) 1s, 2s, 6s, Xavier Torres (5) count(s) 1, 2, 3-5, Jean Karlos Pizarro (6) count(s) 1. (JHF) (Entered: 02/21/2019)
02/20/2019	<u>143</u>	REDACTED SUPERSEDING INDICTMENT Case unsealed as to Carlos Javier Figueroa, Roberto Figueroa, Jonathan Cruz-Carmona, Xavier Torres. (JHF) (Entered: 02/21/2019)
02/20/2019	144	Minute Entry for proceedings held before Hon. Jonathan W. Feldman: Appearances: Def. w/Michael Scibetta, Esq.; Katelyn Hartford, AUSA. Arraignment (on the superseding indictment) as to Xavier Torres (5) Count 1,2,3-5 held on 2/20/2019. Redacted Indictment provided to the defendant. Government moves to unseal the case as to Carlos Javier Figueroa, Roberto Figueroa, Jonathan Cruz-Carmona and Xavier Torres only. Voluntary Discovery due 3/8/2019. Status Conference set for 3/11/2019 02:00 PM before

		Hon. Jonathan W. Feldman. Time Excluded as to Xavier Torres from: 2/20/2019 to 3/11/2019 in the interest of justice pursuant to 18 USC § 3161(h)(7). (Court Reporter Diane Martens. (LMD) (Entered: 02/21/2019)
02/25/2019	<u>145</u>	NOTICE OF ATTORNEY APPEARANCE Cassie M. Kocher appearing for USA. <i>AUSA Cassie Kocher is appearing as co-counsel in this matter with AUSA Katelyn Hartford.</i> (Kocher, Cassie) (Entered: 02/25/2019)
03/06/2019	<u>148</u>	MOTION for Protective Order <i>Notice of Motion and Motion (Protective Order)</i> by USA as to Carlos Javier Figueroa, Roberto Figueroa, Jonathan Cruz-Carmona, Xavier Torres. (Hartford, Katelyn) (Entered: 03/06/2019)
03/07/2019	<u>150</u>	Sealed Document as to Carlos Javier Figueroa, Roberto Figueroa, Jonathan Cruz-Carmona, Xavier Torres. - Sealed Affidavit in Support of Government's Motion for Protective Order Dkt. 148 (LMD) (Entered: 03/08/2019)
03/07/2019	<u>151</u>	ORDER granting <u>148</u> Motion for Protective Order as to Carlos Javier Figueroa (1), Roberto Figueroa (3), Jonathan Cruz-Carmona (4), Xavier Torres (5). Signed by Hon. Jonathan W. Feldman on 03/07/2019. (LMD) (Entered: 03/08/2019)
03/07/2019	<u>153</u>	Sealed Document as to Carlos Javier Figueroa, Roberto Figueroa, Jonathan Cruz-Carmona, Xavier Torres - Status Report of the Coordinating Discovery Attorney for February 2019 (LMD) (Entered: 03/08/2019)
03/08/2019	<u>152</u>	NOTICE of Intent to Use Evidence by USA <i>Government's Notice of Intent to Use Evidence</i> (Attachments: # <u>1</u> Exhibit A)(Hartford, Katelyn) (Entered: 03/08/2019)
03/11/2019	<u>156</u>	Minute Entry for proceedings held before Hon. Jonathan W. Feldman: Appearances: Def. w/Michael Scibetta, Esq.; Katelyn Hartford, AUSA. Status Conference as to Xavier Torres held on 3/11/2019. Motion schedule set. Defense Motions due by 4/8/2019. Government Responses due by 5/6/2019. Oral Argument set for 5/29/2019 09:30 AM before Hon. Jonathan W. Feldman. Time Excluded as to Xavier Torres from 3/11/2019 to 4/8/2019 in the interest of justice pursuant to 18 USC § 3161(h)(7)(A). (Digital Recording.) (LMD) (Entered: 03/11/2019)
03/12/2019	<u>157</u>	MOTION for Protective Order <i>Notice of Motion and Motion (PROTECTIVE ORDER)</i> by USA as to Xavier Torres. (Hartford, Katelyn) (Entered: 03/12/2019)
03/13/2019	<u>158</u>	Sealed Document as to Xavier Torres - Affirmation in Support of Government's Motion for Protective Order Dkt. 157 (LMD) (Entered: 03/13/2019)
03/13/2019	<u>159</u>	ORDER granting <u>157</u> Motion for Protective Order as to Xavier Torres (5). Signed by Hon. Jonathan W. Feldman on 03/13/2019.(LMD) (Entered: 03/13/2019)
03/13/2019	<u>160</u>	AMENDED SCHEDULING ORDER as to Xavier Torres (Please Note: This docket text may <u>not</u> contain the entire contents of the attached Order. It is your responsibility to read the attached Order and download it for future reference. Direct any questions to the Chambers of the Judge who entered this Order.) Defense Motions due by 4/8/2019. Government Responses due by 5/6/2019. Oral argument set for 5/29/2019 at 9:30 AM before Hon. Jonathan W. Feldman. Signed by Hon. Jonathan W. Feldman on 03/13/2019. (LMD) (Entered: 03/13/2019)
03/26/2019	<u>163</u>	NOTICE of Intent to Use Evidence by USA <i>Government's Supplemental Notice Pursuant to Fed.R.Crim.P. 12(b)(4)</i> (Kocher, Cassie) (Entered: 03/26/2019)
04/03/2019	<u>165</u>	TEXT ORDER as to Xavier Torres. Status Conference for the substitution of counsel set for 4/5/2019 11:00 AM before Hon. Jonathan W. Feldman. Signed by Hon. Jonathan W. Feldman on 4/3/2019.(LMD) (Entered: 04/03/2019)

04/04/2019	<u>170</u>	Sealed Document as to Carlos Javier Figueroa, Roberto Figueroa, Jonathan Cruz-Carmona, Xavier Torres - Status Report of the Coordinating Discovery Attorney for March, 2019. (LMD) (Entered: 04/09/2019)
04/05/2019	169	Minute Entry for proceedings held before Hon. Jonathan W. Feldman: Appearances: Def. w/Mike Scibetta, Esq.; Maurice Verrillo, Esq.; Cassie Kocher, AUSA. Attorney Appointment Hearing as to Xavier Torres held on 4/5/2019. Substituted attorney Maurice J. Verrillo for Xavier Torres. Attorney Michael P. Scibetta relieved as counsel in case as to Xavier Torres. Court gives Mr. Verrillo time to get up with the case. Motion schedule previously entered as to this defendant is canceled Status Conference set for 5/16/2019 09:30 AM before Hon. Jonathan W. Feldman. Time Excluded as to Xavier Torres from: 4/5/2019 to 5/16/2019 in the interest of justice pursuant to 18 USC § 3161(h)(7)(A). Attorney Maurice Verrillo informs the Court of his new mailing address. (Digital Recording.) (LMD) (Entered: 04/09/2019)
04/05/2019		Terminate Motion Deadlines and Hearings as to Xavier Torres: (LMD) (Entered: 04/09/2019)
04/11/2019	179	CJA 20 as to Xavier Torres: Authorization to Pay Michael P. Scibetta. Amount: \$3,182.80, Voucher # 0209.0812499. Signed by Hon. Jonathan W. Feldman on 4/8/19. (JHF) (Entered: 04/24/2019)
05/14/2019	<u>188</u>	NOTICE of Intent to Use Evidence by USA <i>Government's Supplemental Notice Pursuant to Fed.R.Crim.P. 12(b)(4) (Carlos Javier Figueroa, Jonathan Cruz Carmona and Xavier Torres)</i> (Kocher, Cassie) (Entered: 05/14/2019)
05/16/2019	189	Minute Entry for proceedings held before Hon. Jonathan W. Feldman: Appearances: Def. w/Maurice Verrillo, Esq.; Matthew McGrath, AUSA appearing for Cassie Kocher, AUSA. Status Conference as to Xavier Torres held on 5/16/2019. Defense requests 60 days adjournment to further review discovery - granted. Status Conference set for 7/9/2019 09:30 AM before Hon. Jonathan W. Feldman. Time Excluded as to Xavier Torres from: 5/16/2019 to 7/9/2019 in the interest of justice pursuant to 18 USC § 3161(h)(7)(A). (Digital Recording.)(LMD) (Entered: 05/22/2019)
05/17/2019	<u>190</u>	Sealed Document - Status Report of the Coordinating Discovery Attorney for April 2019 as to Carlos Javier Figueroa, Roberto Figueroa, Jonathan Cruz-Carmona, Xavier Torres, Jean Karlos Pizarro. (LMD) (Entered: 05/22/2019)
05/23/2019	<u>191</u>	SEALED SECOND SUPERSEDING INDICTMENT as to Carlos Javier Figueroa (1) count(s) 1ss, 2ss, 3ss, 4ss, 5ss, 9ss, 14ss-15ss, 16ss, 17ss, 18ss, 19ss, 20ss, Jonathan Cruz-Carmona (4) count(s) 1ss, 2ss, 9ss, 13ss, Xavier Torres (5) count(s) 1s, 2s, 10s-12s, 14s-15s, 16s, Jean Karlos Pizarro (6) count(s) 1s, 4s, Obed Torres Garcia (7) count(s) 1, 2, 6, 7, 8, 19, 20, Victor Nunez (8) count(s) 1, 2. (JHF) (Entered: 05/24/2019)
05/23/2019	<u>192</u>	Sealed Unredacted Document filed pursuant to FRCrP 49.1. (JHF) (Entered: 05/24/2019)
05/24/2019	<u>193</u>	Sealed Document as to Carlos Javier Figueroa, Jonathan Cruz-Carmona, Xavier Torres, Jean Karlos Pizarro, Obed Torres Garcia. (JHF) (Entered: 05/24/2019)
05/24/2019	<u>194</u>	REDACTED SECOND SUPERSEDING INDICTMENT case unsealed as to Carlos Javier Figueroa, Jonathan Cruz-Carmona, Xavier Torres, Jean Karlos Pizarro, Obed Torres Garcia. (JHF) (Entered: 05/24/2019)
05/29/2019	197	Minute Entry for proceedings held before Hon. Jonathan W. Feldman: Appearances: Def. w/Maurice Verrillo, Esq.; Cassie Kocher, AUSA. Arraignment as to Xavier Torres (5) Count 1s,2s,10s-12s,14s-15s,16s held on 5/29/2019. Defense counsel waives a full reading and a not guilty plea entered as to all counts named. Scheduling Conference with

		all counsel (defendants are not required to attend) set for 6/11/2019 02:00 PM before Hon. Jonathan W. Feldman. (Digital Recording.) (LMD) (Entered: 05/29/2019)
05/30/2019	<u>199</u>	TEXT ORDER as to Carlos Javier Figueroa, Jonathan Cruz-Carmona, Xavier Torres, Jean Karlos Pizarro, Obed Torres Garcia. The Court intends to hold a Scheduling conference in this case with counsel only on 6/11/2019 at 2:00 PM. Defendants are not required to appear. Signed by Hon. Jonathan W. Feldman on 5/30/2019. (LMD) (Entered: 05/30/2019)
06/05/2019	<u>208</u>	Sealed Document as to Carlos Javier Figueroa, Jonathan Cruz-Carmona, Xavier Torres, Jean Karlos Pizarro, Obed Torres Garcia - Status Report of the Coordinating Discovery Attorney for May 2019. (LMD) (Entered: 06/10/2019)
06/11/2019	<u>209</u>	Minute Entry for proceedings held before Hon. Jonathan W. Feldman: Appearances: Cassie Kocher, AUSA, Maurice Verrillo for Defendant Xavier Torres, Lawrence Kasperek for Defendant Jonathan Cruz Carmona, Mike Tallon for Defendant Obed Torres Garcia and appearing on behalf of Matthew Lembke for Defendant Jean Karlos Pizarro and Paul Vacca for Defendant Carlos Javier Figueroa. Scheduling Conference as to Carlos Javier Figueroa, Jonathan Cruz-Carmona, Xavier Torres, Jean Karlos Pizarro, Obed Torres Garcia held on 6/11/2019. Defense Motions due by 11/8/2019. Scheduling Order to be issued. Time Excluded as to Carlos Javier Figueroa, Jonathan Cruz-Carmona, Xavier Torres, Jean Karlos Pizarro, Obed Torres Garcia from: 6/11/2019 to 11/8/2019 in the interest of justice pursuant to 18 USC § 3161(h)(7)(A) and (h)(7)(B)(iv). See the scheduling order when it is filed for detail of all the deadlines set at this scheduling conference. (Digital Recording.) (LMD) (Entered: 06/11/2019)
06/12/2019	<u>212</u>	TEXT ORDER OF REFERRAL Hon. Jonathan W. Feldman, United States Magistrate Judge, is hereby designated to act in this case as follows: All pre-trial matters in this case are referred to the above-named United States Magistrate Judge, including all pre-trial matters that a Magistrate Judge may hear and determine pursuant to 28 U.S.C. Section 636(b)(1)(A), and those which a Magistrate Judge may hear and thereafter file a report and recommendation for disposition pursuant to Section 636(b)(1)(B). All procedural aspects of matters properly before the Magistrate Judge under this Order, including scheduling and the filing of briefs or other supporting material, shall be determined by the Magistrate Judge. All motions or applications shall be filed with the Clerk and made returnable before the Magistrate Judge. IT IS SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 6/12/19. (JHF) (Entered: 06/12/2019)
06/12/2019	<u>213</u>	SCHEDULING/CASE MANAGEMENT ORDER as to Carlos Javier Figueroa, Jonathan Cruz-Carmona, Xavier Torres, Jean Karlos Pizarro, Obed Torres Garcia, Defense Motions due 11/8/2019. Government Responses due by 11/26/2019. (Please Note: This docket text does <u>not</u> contain the entire contents of the attached Order. It is your responsibility to read the attached Order and download it for future reference. Direct any questions to the Chambers of the Judge who entered this Order.). EXCLUDABLE TIME: 6/12/2019 TO 11/8/2019 in the interest of justice. Signed by Hon. Jonathan W. Feldman on 06/12/2019. (LMD) (Entered: 06/12/2019)
06/26/2019		NOTICE: Terminate Hearings as to Xavier Torres: The Status Conference set as to this defendant on 7/9/2019 is canceled. (LMD) (Entered: 06/26/2019)
07/09/2019	<u>224</u>	Sealed Document - Status Report of the Coordinating Discovery Attorney for June 2019. (LMD) (Entered: 07/10/2019)
07/10/2019	<u>226</u>	Sealed Document as to Carlos Javier Figueroa, Jonathan Cruz-Carmona, Xavier Torres, Jean Karlos Pizarro, Obed Torres Garcia, Victor Nunez. (LMD) (Entered: 07/12/2019)
07/11/2019	<u>225</u>	NOTICE of Intent to Use Evidence by USA Kocher, Cassie (Attachments: # <u>1</u> Exhibit A)

		(Kocher, Cassie) (Entered: 07/11/2019)
08/05/2019	<u>229</u>	Sealed Document - Status Report of the Coordinating Discovery Attorney for July, 2019 as to Carlos Javier Figueroa, Jonathan Cruz-Carmona, Xavier Torres, Jean Karlos Pizarro, Obed Torres Garcia, Victor Nunez. (LMD) (Entered: 08/05/2019)
09/09/2019	<u>236</u>	Sealed Document - Status Report of the Coordinating Discovery Attorney for August, 2019 as to Carlos Javier Figueroa, Jonathan Cruz-Carmona, Xavier Torres, Jean Karlos Pizarro, Obed Torres Garcia, Victor Nunez. (LMD) (Entered: 09/09/2019)
09/27/2019	<u>240</u>	THIRD SUPERSEDING INDICTMENT as to Carlos Javier Figueroa (1) count(s) 1sss, 2sss, 3sss, 4sss, 5sss, 9sss-10sss, 15sss-16sss, 17sss, 18sss, 19sss, 20sss, 21sss, Jonathan Cruz-Carmona (4) count(s) 1sss, 2sss, 9sss-10sss, 14sss, Xavier Torres (5) count(s) 1ss, 2ss, 11ss-13ss, 15ss-16ss, 17ss, Jean Karlos Pizarro (6) count(s) 1ss, 4ss, Obed Torres Garcia (7) count(s) 1s, 2s, 6s, 7s, 8s, 20s, 21s, Victor Nunez (8) count(s) 1s, 2s. (JHF) (Entered: 09/27/2019)
09/27/2019	<u>241</u>	Sealed Unredacted Document as to Carlos Javier Figueroa, Jonathan Cruz-Carmona, Xavier Torres, Jean Karlos Pizarro, Obed Torres Garcia, Victor Nunez filed pursuant to FRCrP 49.1. (JHF) (Entered: 09/27/2019)
09/30/2019		CALENDAR EVENT: Set Hearings as to Carlos Javier Figueroa, Jonathan Cruz-Carmona, Xavier Torres, Jean Karlos Pizarro, Obed Torres Garcia, Victor Nunez: Arraignment on Third Superseding Indictment set for 10/11/2019 02:00 PM before Hon. Jonathan W. Feldman. (LMD) (Entered: 09/30/2019)
10/03/2019	<u>243</u>	Sealed Document - Status Report of the Coordinating Discovery Attorney for September 2019 as to Carlos Javier Figueroa, Jonathan Cruz-Carmona, Xavier Torres, Jean Karlos Pizarro, Obed Torres Garcia, Victor Nunez. (LMD) (Entered: 10/04/2019)
10/11/2019	247	Minute Entry for proceedings held before Hon. Jonathan W. Feldman: Appearances: Def. w/Maurice Verrillo, Esq.; Katelyn Hartford, AUSA and Sarah Whitcomb, USPO. Arraignment as to Xavier Torres (5) Count 1ss,2ss,11ss-13ss,15ss-16ss,17ss held on 10/11/2019. Defendant waives full reading. Government describes changes in the third superseding indictment. Not guilty plea entered as to all counts named. No change to the motion schedule. (Digital Recording.) (LMD) (Entered: 10/15/2019)
11/04/2019	<u>262</u>	Sealed Document - Status Report of the Coordinating Discovery Attorney for October 2019 as to Carlos Javier Figueroa, Jonathan Cruz-Carmona, Xavier Torres, Jean Karlos Pizarro, Obed Torres Garcia, Victor Nunez. (LMD) (Entered: 11/04/2019)
11/07/2019	265	TEXT ORDER vacating the referral to Hon. Jonathan W. Feldman and TEXT ORDER OF REFERRAL Hon. Mark W. Pedersen, United States Magistrate Judge, is hereby designated to act in this case as follows: All pre-trial matters in this case are referred to the above-named United States Magistrate Judge, including all pre-trial matters that a Magistrate Judge may hear and determine pursuant to 28 U.S.C. Section 636(b)(1)(A), and those which a Magistrate Judge may hear and thereafter file a report and recommendation for disposition pursuant to Section 636(b)(1)(B). All procedural aspects of matters properly before the Magistrate Judge under this Order, including scheduling and the filing of briefs or other supporting material, shall be determined by the Magistrate Judge. All motions or applications shall be filed with the Clerk and made returnable before the Magistrate Judge. IT IS SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 11/7/2019. (LMD) (Entered: 11/07/2019)
11/11/2019	<u>266</u>	MOTION for Bill of Particulars , MOTION for Release of Brady Materials , MOTION for Disclosure <i>if Informant Information and witness statements</i> , MOTION for Discovery , MOTION to Dismiss , MOTION to Sever Defendant , MOTION to Suppress Evidence <i>and Statements</i> by Xavier Torres. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit

		C, # <u>4</u> Exhibit D, # <u>5</u> Certificate of Service)(Verrillo, Maurice). Added MOTION to Compel, MOTION for Discovery, MOTION for Hearing, MOTION for Leave to File, MOTION, MOTION to Suppress on 3/5/2020 (JB). Added MOTION, MOTION to Suppress on 3/5/2020 (JB). Added MOTION on 3/5/2020 (JB). Added MOTION on 3/5/2020 (JB). (Entered: 11/11/2019)
11/26/2019	<u>271</u>	DECLARATION by Xavier Torres re <u>266</u> MOTION for Bill of Particulars MOTION for Release of Brady Materials MOTION for Disclosure <i>if Informant Information and witness statements</i> MOTION for Discovery MOTION to Dismiss MOTION to Sever Defendant MOTION to Suppress <i>Evidence and Statements</i> filed by Xavier Torres <i>Amended Attorney's Declaration</i> (Attachments: # <u>1</u> Certificate of Service)(Verrillo, Maurice) (Entered: 11/26/2019)
12/03/2019	<u>272</u>	MOTION for Extension of Time to File consolidated responseby USA as to Carlos Javier Figueroa, Jonathan Cruz-Carmona, Xavier Torres, Victor Nunez. (KAP) (Entered: 12/03/2019)
12/03/2019	<u>273</u>	LETTER ORDER granting <u>272</u> Motion for Extension of Time to File as to Carlos Javier Figueroa (1), Jonathan Cruz-Carmona (4), Xavier Torres (5), Victor Nunez (8). Government's consolidated response is due 1/17/20. Signed by Hon. Mark W. Pedersen on 11/27/19.(KAP) (Entered: 12/03/2019)
12/03/2019	<u>280</u>	Sealed Document - Status Report of the Coordinating Discovery Attorney for November 2019 as to Carlos Javier Figueroa, Roberto Figueroa, Leitscha Poncedeleon, Jonathan Cruz-Carmona, Xavier Torres, Jean Karlos Pizarro, Obed Torres Garcia, Victor Nunez. (JB) (Entered: 12/10/2019)
12/04/2019	<u>274</u>	Text Order: Upon reviewing the letter request from Maurice J. Verrillo, Esq., dated December 3, 2019, the request to permit the services of associate attorney Lucy A. Brado, Esq. is GRANTED as Ms. Brados services were included in the initial approved budget for 100 hours at \$80.00 per hour. The request to permit Maurice J. Verrillo and Lucy Brado to submit interim vouchers on a periodic basis during the pendency of this matter through trial, or sentencing, as the case may be, is also GRANTED. Signed by Hon. Mark W. Pedersen on 12/4/2019.(JB) (Entered: 12/04/2019)
01/15/2020	<u>289</u>	MOTION for Leave to File Excess Pages by USA as to Carlos Javier Figueroa, Jonathan Cruz-Carmona, Xavier Torres, Victor Nunez. (JB) (Entered: 01/17/2020)
01/17/2020		CALENDAR EVENT as to Xavier Torres: Oral Argument set for 2/11/2020 at 01:00 PM before Hon. Mark W. Pedersen. (JB) (Entered: 01/17/2020)
01/17/2020	<u>290</u>	TEXT ORDER: The Governments request contained in correspondence dated January 15, 2020, for permission to exceed the 25 page limit set forth in Local Rule of Criminal Procedure 12(c) for the Governments Consolidated Response to Defendants Motions (ECF No. <u>289</u>), regarding Defendants Carlos Javier Figueroa, Xavier Torres, Jonathan Cruz-Carmona and Victor Nunez, is GRANTED. The Government may exceed the page limit by ten (10) pages. SO ORDERED. Signed by Hon. Mark W. Pedersen on 1/17/2020. (JB) (Entered: 01/17/2020)
01/17/2020	<u>292</u>	NOTICE OF ATTORNEY APPEARANCE Robert Marangola appearing for USA. <i>Add Robert Marangola as additional counsel for USA</i> (Marangola, Robert) (Entered: 01/17/2020)
01/17/2020	<u>293</u>	SECOND MOTION for Leave to File Excess Pages by USA as to Carlos Javier Figueroa, Jonathan Cruz-Carmona, Xavier Torres, Victor Nunez. (JB) (Entered: 01/17/2020)
01/17/2020	<u>294</u>	ORDER granting <u>293</u> Second Motion for Leave to File Excess Pages as to Carlos Javier Figueroa (1), Jonathan Cruz-Carmona (4), Xavier Torres (5), Victor Nunez (8). Signed by

		Hon. Mark W. Pedersen on 1/17/2020.(JB) (Entered: 01/17/2020)
01/17/2020	<u>295</u>	ORDER TO SHOW CAUSE as to Carlos Javier Figueroa, Jonathan Cruz-Carmona, Xavier Torres, Victor Nunez. Show Cause Response due by 1/24/2020. Signed by Hon. Mark W. Pedersen on 1/17/2020.(JB) (Entered: 01/17/2020)
01/17/2020	<u>296</u>	RESPONSE to Motion by USA as to Carlos Javier Figueroa, Jonathan Cruz-Carmona, Xavier Torres, Victor Nunez re <u>266</u> MOTION for Bill of Particulars MOTION for Release of Brady Materials MOTION for Disclosure <i>if Informant Information and witness statements</i> MOTION for Discovery MOTION to Dismiss MOTION to Sever Defendant MOTION to Suppress <i>Evidence and Statements</i> , 275 MOTION to Compel , 270 First MOTION for Bill of Particulars First MOTION for Discovery First MOTION for Joinder , 257 MOTION for Bill of Particulars MOTION for Release of Brady Materials MOTION for Discovery MOTION to Dismiss MOTION for Hearing MOTION Omnibus Motion MOTION to Suppress <i>Government's Response to Defendants' Pretrial Motions</i> (Hartford, Katelyn) (Entered: 01/17/2020)
01/21/2020	<u>298</u>	Letter filed by Xavier Torres (Attachments: # <u>1</u> Certificate of Service)(Verrillo, Maurice) (Entered: 01/21/2020)
01/22/2020		E-Filing Notification: <u>298</u> Letter filed by Xavier Torres. This document contains a request for relief and should be filed as a motion. ACTION REQUIRED: Re-file document using the motion event. (TF) (Entered: 01/22/2020)
01/22/2020	<u>309</u>	MOTION for Leave to File Excess Pages by Xavier Torres. (Attachments: # <u>1</u> Certificate of Service)(Verrillo, Maurice) (Entered: 01/22/2020)
01/24/2020	315	TEXT ORDER as to Xavier Torres (5): Defendants request for permission to exceed the 25 page limit set forth in Local Rule of Criminal Procedure 12 (c) (ECF No. <u>296</u>) is GRANTED as to the motion previously filed (ECF No. 275). Signed by Hon. Mark W. Pedersen on 1/24/2020.(JB) (Entered: 01/24/2020)
02/11/2020	<u>323</u>	DECLARATION by Xavier Torres re <u>266</u> MOTION for Bill of Particulars, MOTION for Release of Brady Materials, MOTION for Disclosure <i>if Informant Information and witness statements</i> , MOTION for Discovery, MOTION to Dismiss, MOTION to Sever Defendant, MOTION to Suppress <i>Evidence and Statements</i> filed by Xavier Torres (Attachments: # <u>1</u> Certificate of Service) (Verrillo, Maurice) , (Entered: 02/11/2020)
02/11/2020	324	Minute Entry for proceedings held before Hon. Mark W. Pedersen:Oral Argument held on 2/11/2020. Appearances: Deft. w/ Maurice J. Verrillo, Esq., Katelyn Hartford, AUSA, and Cassie M. Kocher, AUSA. The Court will issue a formal Order regarding motions discussed on the record. No further appearance date set at this time. TIME REMAINS EXCLUDED FOR REASONS STATED ON THE RECORD. Deft remains in custody. (Court Reporter FTR Gold.)(JB) Modified on 2/11/2020 to remove interpreter(JB). (Entered: 02/11/2020)
02/18/2020	<u>338</u>	ORDER denying <u>266</u> Motion for Bill of Particulars as to Xavier Torres (5); denying <u>266</u> Motion for Release of Brady Materials as to Xavier Torres (5); denying <u>266</u> Motion for Disclosure as to Xavier Torres (5); denying <u>266</u> Motion for Discovery as to Xavier Torres (5); denying <u>266</u> Motion to Dismiss as to Xavier Torres (5); denying <u>266</u> Motion to Sever Defendant as to Xavier Torres (5); taking under advisement <u>266</u> Motion to Suppress as to Xavier Torres (5), Xavier Torres (5); denying <u>266</u> Motion to Compel as to Xavier Torres (5); granting <u>266</u> Motion for Discovery as to Xavier Torres (5); denying <u>266</u> Motion for Hearing as to Xavier Torres (5); granting <u>266</u> Motion for Leave to File as to Xavier Torres (5); denying <u>266</u> Motion as to Xavier Torres (5), Xavier Torres (5), Xavier Torres (5), Xavier Torres (5); denying <u>266</u> Motion to Suppress as to Xavier Torres (5). Signed by Hon. Mark W. Pedersen on 2/18/2020.(JB) (Entered: 03/05/2020)

02/19/2020	<u>328</u>	RESPONSE by USA as to Xavier Torres re <u>323</u> Defendant's Declaration. (Hartford, Katelyn) Modified on 2/19/2020 (JHF). (Entered: 02/19/2020)
02/19/2020		E-Filing Notification: Clerk revised docket text of <u>328</u> to clarify the filing event. (JHF) (Entered: 02/19/2020)
03/03/2020	339	CJA 21 as to Xavier Torres: Authorization to Pay Geoffrey Resnick \$2,037.36 for Expert Services, Voucher # 0209.0985648. Signed by Hon. Mark W. Pedersen on 2/29/20. (JHF) (Entered: 03/05/2020)
03/03/2020	340	CJA 20 as to Xavier Torres: Authorization to Pay Maurice J. Verrillo. Amount: \$8,089.67, Voucher # 0209.0909196. Signed by Hon. Mark W. Pedersen on 2/29/20. (JHF) (Entered: 03/05/2020)
04/28/2020	365	CJA 20 as to Xavier Torres: Authorization to Pay Lucy Anderson Brado. Amount: \$4,944.00, Voucher # 0209.1007359. Signed by Hon. Mark W. Pedersen on 3/30/20. (JHF) (Entered: 04/30/2020)
05/01/2020	368	TEXT ORDER as to Xavier Torres: Defendant Xavier Torres' request for an extension of time to respond to the Courts inquiry as to whether Defendant intends to submit an additional sworn document in support of his motion to suppress statements and provide a sworn statement should Defendant choose that route, is GRANTED. Defendant has an extension until May 15, 2020. The Government has until May 22, 2020 to submit a response, if any. Time continues to be excluded pursuant to 18 U.S.C. § 3161(h)(1)(D) as there is a motion pending before this Court. SO ORDERED.. Signed by Hon. Mark W. Pedersen on 5/1/20.(KAP) (Entered: 05/01/2020)
05/27/2020	<u>386</u>	REPORT AND RECOMMENDATIONS as to Xavier Torres re <u>266</u> MOTION to Compel MOTION for Discovery MOTION for Hearing MOTION for Leave to File MOTION to Suppress MOTION for Bill of Particulars MOTION for Release of Brady Materials MOTION for Disclosure <i>if Informant Information and witness statements</i> MOTION for Discovery MOTION to Dismiss MOTION to Sever Defendant MOTION to Suppress <i>Evidence and Statements</i> Objections due fourteen days from receipt. Objections to R&R due by 6/10/2020. Signed by Hon. Mark W. Pedersen on 5/27/20.(KAP) (Entered: 05/27/2020)
06/09/2020	397	TEXT ORDER as to Xavier Torres: Defendant's unopposed letter request for an extension of time is granted. The objection to the R&R is now due by 6/30/2020. The government may file a response by 7/14/2020, and Defendant may file a reply by 7/21/2020. The Court excludes the time until the issuance of the Court's order for purposes of Defendant's speedy trial rights pursuant to 18 U.S.C. § 3161(h)(1)(D) & (h)(1)(H). SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 6/9/2020.(MFM) (Entered: 06/09/2020)
06/29/2020	<u>406</u>	APPEAL OF MAGISTRATE JUDGE DECISION to District Court by Xavier Torres re <u>338</u> Order on Motion for Bill of Particulars,,,, Order on Motion for Release of Brady Materials,,,, Order on Motion for Disclosure,,,, Order on Motion for Discovery,,,, Order on Motion to Dismiss,,,, Order on Motion to Sever Defendant,,,, Order on Motion to Suppress,,,, Order on Motion to Compel,,,,,, Order on Motion for Hearing,,,, Order on Motion for Leave to File,,,, Order on Motion for Miscellaneous Relief,,,,,,,,,,,,,,,,,,,,, (Attachments: # <u>1</u> Certificate of Service)(Verrillo, Maurice) (Entered: 06/29/2020)
07/14/2020	<u>414</u>	MEMORANDUM IN OPPOSITION TO XAVIER TORRES' OBJECTIONS TO JUDGE PEDERSEN'S REPORT AND RECOMMENDATION by USA as to Xavier Torres (Hartford, Katelyn) (Entered: 07/14/2020)
07/16/2020	<u>415</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Carlos Javier Figueroa, Roberto Figueroa, Leitscha Poncedeleon, Jonathan Cruz-Carmona, Xavier

		Torres, Jean Karlos Pizarro, Obed Torres Garcia, Victor Nunez held on 2/11/2020 before Judge Mark W. Pedersen. Court Reporter/Transcriber Christi Macri, Contact Info christimacri50@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/6/2020. Redacted Transcript Deadline set for 8/17/2020. Release of Transcript Restriction set for 10/14/2020. (CM) (Entered: 07/16/2020)
07/20/2020	<u>416</u>	Letter filed by Xavier Torres (Attachments: # <u>1</u> Certificate of Service)(Verrillo, Maurice) (Entered: 07/20/2020)
07/22/2020	<u>418</u>	DECISION AND ORDER as to Xavier Torres: The Court ADOPTS Judge Pedersen's R&R <u>386</u> in all respects, and AFFIRMS his rulings on severance and dismissal of the indictment <u>338</u> . Defendant's omnibus motion <u>266</u> , as it pertains to those issues, is DENIED. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 7/22/2020.(MFM) (Entered: 07/22/2020)
07/27/2020	<u>422</u>	MOTION TO SET A DATE FOR TRIAL by USA as to Carlos Javier Figueroa, Xavier Torres, Jean Karlos Pizarro. (Marangola, Robert) (Entered: 07/27/2020)
07/28/2020	<u>425</u>	Letter filed by Xavier Torres (Verrillo, Maurice) (Entered: 07/28/2020)
07/30/2020		Set/Reset Deadlines re Motion in case as to Carlos Javier Figueroa, Xavier Torres, Jean Karlos Pizarro <u>422</u> MOTION TO SET A DATE FOR TRIAL. Motion Hearing set for 8/6/2020 10:00 AM before Hon. Frank P. Geraci, Jr. This appearance will be in court, in person. (PR) (Entered: 07/30/2020)
08/06/2020	436	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.: Appearances in person: Katie, Hartford, AUSA, Cassie Kocher, AUSA, Defendant Carlos Javier Figuera w/Paul Vacca, Esq.; Def. Xavier Torres w/Maurice Verrillo, Esq.; Def. Jean Karlos Pizzaro by telephone with Matt Lembke, Esq.; Nicolas Penchazadeh, Spanish Interpreter for Carlos Javier Figueroa and Carlos Aguirre, Spanish Interpreter for Jean Karlos Pizzaro. Motion Hearing as to Carlos Javier Figueroa, Xavier Torres, Jean Karlos Pizarro held on 8/6/2020 re <u>422</u> MOTION TO SET A DATE FOR TRIAL filed by USA, Spanish Interpreter sworn. Government indicates another Superseding indictment is expected. Jury Trial date set for 1/4/2021. The trial will be at least 3 months. Time is excluded in the interest of justice until 1/4/21 for all 3 defendants. Status Conference set for 9/10/2020 02:00 PM before Hon. Frank P. Geraci, Jr. The trial schedule will be discussed further on 9/10/2020 2:00 PM. Time Excluded as to Carlos Javier Figueroa, Xavier Torres, Jean Karlos Pizarro from: 8/6/2020 to 1/4/2021 in the interest of justice. (Court Reporter Christi Macri.) (LMD) (Entered: 08/07/2020)
08/07/2020		Motions No Longer Referred as to Carlos Javier Figueroa, Roberto Figueroa, Leitscha Poncedeleon, Jonathan Cruz-Carmona, Xavier Torres, Jean Karlos Pizarro, Obed Torres Garcia, Victor Nunez: <u>422</u> MOTION TO SET A DATE FOR TRIAL (KAP) (Entered: 08/07/2020)
09/10/2020	447	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.:Status Conference as to Carlos Javier Figueroa, Xavier Torres, Jean Karlos Pizarro held on 9/10/2020. The Government states that the window for plea offers is closed; the three defendants will proceed to trial on 1/4/21; pretrial conference is scheduled for 11/10 at 11:00 am. The Court will issue a pretrial order. Rob Marangola, AUSA; Katie Hartford, AUSA; Cassie Kocher, AUSA; Paul Vacca, Esq.; Maurice Verillo, Esq.; Matt Lembke, Esq.; defendant Pizzaro by telephone; Nicolas Penchaszadeh, Interpreter; Jesus Barberia, Interpreter (Court Reporter Christi Macri.)(PR) (Entered: 09/15/2020)
09/14/2020	<u>446</u>	PRETRIAL ORDER as to Carlos Javier Figueroa, Xavier Torres, Jean Karlos Pizarro:

		Pretrial Conference set for 11/10/2020 11:00 AM before Hon. Frank P. Geraci, Jr. All defendants must appear in person. Jury Trial set to commence 1/4/2021 08:30 AM before Hon. Frank P. Geraci, Jr. Signed by Hon. Frank P. Geraci, Jr. on 9/14/2020.(BJJ) (Entered: 09/14/2020)
10/20/2020	<u>460</u>	CJA 20 as to Xavier Torres: Authorization to Pay Maurice J. Verrillo. Amount: \$10,301.82, Voucher # 0209.0998420. Signed by Hon. Frank P. Geraci, Jr. on 10/8/20. (JHF) (Entered: 10/20/2020)
10/27/2020	<u>465</u>	MOTION for Extension of Time to File <i>pretrial motions</i> by Xavier Torres. (Attachments: # <u>1</u> Certificate of Service)(Verrillo, Maurice) (Entered: 10/27/2020)
10/27/2020	<u>468</u>	EXHIBIT LIST by Xavier Torres (Attachments: # <u>1</u> Certificate of Service)(Verrillo, Maurice) (Entered: 10/27/2020)
10/27/2020	<u>469</u>	WITNESS LIST by Xavier Torres (Attachments: # <u>1</u> Certificate of Service)(Verrillo, Maurice) (Entered: 10/27/2020)
10/27/2020	<u>470</u>	Proposed Voir Dire by Xavier Torres (Attachments: # <u>1</u> Certificate of Service)(Verrillo, Maurice) (Entered: 10/27/2020)
10/27/2020	<u>471</u>	TRIAL BRIEF by USA as to Carlos Javier Figueroa, Xavier Torres, Jean Karlos Pizarro (Marangola, Robert) (Entered: 10/27/2020)
10/27/2020	<u>473</u>	WITNESS LIST by USA as to Carlos Javier Figueroa, Xavier Torres, Jean Karlos Pizarro (Marangola, Robert) (Entered: 10/27/2020)
10/27/2020	<u>474</u>	Proposed Jury Instructions by USA as to Carlos Javier Figueroa, Xavier Torres, Jean Karlos Pizarro (Marangola, Robert) (Entered: 10/27/2020)
10/28/2020	<u>475</u>	TEXT ORDER granting <u>465</u> Motion for Extension of Time to File Pretrial Submissions as to Xavier Torres. Defendant's pretrial submissions are due by 11/3/20. IT IS SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 10/28/20.(PR) (Entered: 10/28/2020)
11/03/2020	<u>477</u>	MOTION in Limine by Xavier Torres. (Attachments: # <u>1</u> Certificate of Service)(Verrillo, Maurice) (Entered: 11/03/2020)
11/04/2020		Set/Reset Hearings as to Carlos Javier Figueroa, Xavier Torres, Jean Karlos Pizarro: Pretrial Conference reset for 11/10/2020 12:00 PM before Hon. Frank P. Geraci, Jr. **TIME CHANGE ONLY** This appearance will be in person.(PR) (Entered: 11/04/2020)
11/05/2020	<u>480</u>	FOURTH SUPERSEDING INDICTMENT as to Carlos Javier Figueroa (1) count(s) 1ssss, 2ssss, 3ssss, 4ssss, 10ssss, 11ssss, 12ssss-13ssss, 14ssss, 15ssss, 16ssss, 17ssss, 18ssss, 19ssss, Xavier Torres (5) count(s) 1sss, 2sss, 5sss-6sss, 12sss-13sss, 14sss, Jean Karlos Pizarro (6) count(s) 1sss, 2sss, 7sss-9sss, 16sss. (JHF) (Entered: 11/06/2020)
11/05/2020	<u>481</u>	Sealed Unredacted Document as to Carlos Javier Figueroa, Xavier Torres, Jean Karlos Pizarro filed pursuant to FRCrP 49.1. (JHF) (Entered: 11/06/2020)
11/09/2020	<u>483</u>	RESPONSE to Motion by USA as to Xavier Torres re <u>477</u> MOTION in Limine <i>Government's Response to Motion in Limine</i> (Marangola, Robert) (Entered: 11/09/2020)
11/10/2020	<u>484</u>	ORDER pursuant to Fed. R. Crim. P. 5(f)(1) as to Carlos Javier Figueroa, Xavier Torres, Jean Karlos Pizarro. Signed by Hon. Frank P. Geraci, Jr. on 11/10/20.(BJJ) (Entered: 11/10/2020)
11/10/2020	<u>487</u>	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.:Pretrial Conference as to Carlos Javier Figueroa, Xavier Torres, Jean Karlos Pizarro held on 11/10/2020. All defendants waived reading of the Fourth Superseding Indictment. The <u>477</u> Motion

		regarding the alias of Xavier Torres is denied. The Governments request for detention of defendant Jean Karlos Pizzaro is granted. All defendants to remain detained. Rob Marangola, AUSA; Katie Hartford, AUSA; Cassie Kocher, AUSA; Paul Vacca, Esq.; Maurice Verillo, Esq.; Matt Lembke, Esq.; Nicolas Penchaszadeh, Interpreter; Jesus Barberia, Interpreter. Pretrial Conference set for 12/4/2020 12:00 PM before Hon. Frank P. Geraci, Jr. (Court Reporter Chrisit Macri.) (BK) (Entered: 11/12/2020)
11/25/2020	<u>488</u>	MOTION to Sever Defendant , MOTION to Produce by Xavier Torres. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Certificate of Service)(Verrillo, Maurice) (Entered: 11/25/2020)
11/30/2020	489	TEXT ORDER: Defendant Xavier Torres has filed a MOTION to Sever Defendant and MOTION to Produce, ECF No. <u>488</u> . The Government shall respond no later than 12/2/2020. Pretrial Conference remains scheduled for 12/4/2020 at noon. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 11/30/20.(BJJ) (Entered: 11/30/2020)
12/02/2020	<u>492</u>	RESPONSE to Motion by USA as to Xavier Torres re <u>488</u> MOTION to Sever Defendant MOTION to Produce <i>Government's Response to Xavier Torres's Motion in Limine</i> (Marangola, Robert) (Entered: 12/02/2020)
12/04/2020	<u>501</u>	CONSENT ORDER to appear by video as to Carlos Javier Figueroa, Xavier Torres, Jean Karlos Pizarro. Signed by Hon. Frank P. Geraci, Jr. on 12/4/20.(PR) (Entered: 12/14/2020)
12/04/2020	502	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.:Pretrial Conference as to Carlos Javier Figueroa, Xavier Torres, Jean Karlos Pizarro held on 12/4/2020. The Court grants the defendants' joint verbal request to adjourn the jury trial scheduled for 1/4/21. Jury Trial reset for 3/15/2021 08:30 AM before Hon. Frank P. Geraci, Jr. The Court will schedule another pretrial conference as the trial date gets closer. The Court excludes the time from 12/4/20 - 3/15/21 in the interests of justice pursuant to 18:3161(h) (7). Defendant Figueroa's request for bail is denied, the Court requests that a formal motion be filed. Defendant Torres' motion to sever is denied; motion to produce certain law enforcement records is denied; motion for additional information re: John Gonzalez is denied. Defendants all remain detained. Rob Marangola, AUSA; Cassie Kocher, AUSA; Katie Hartford, AUSA; Paul Vacca, Esq.; Maurice Verillo, Esq. all in person; Matt Lembke, Esq. by Zoom; all defendants and Nicolas Penchaszadeh, Interpreter by Zoom. (Court Reporter Christi Macri.)(PR) (Entered: 12/14/2020)
12/07/2020	<u>496</u>	MOTION to Revoke the Detention Order as to Carlos Javier Figueroa. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit, # <u>3</u> Certificate of Service)(Vacca, Paul) Modified on 12/8/2020 (LMD). (Entered: 12/07/2020)
01/20/2021	507	TEXT ORDER as to Carlos Javier Figueroa, Xavier Torres, Jean Karlos Pizarro. A Pretrial Conference is set for 2/16/2021 at 10:00 AM before Hon. Frank P. Geraci, Jr. This conference is deemed essential and will be conducted in person. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 1/20/21.(BJJ) (Entered: 01/20/2021)
01/27/2021	<u>508</u>	Letter filed by Carlos Javier Figueroa as to Carlos Javier Figueroa, Leitscha Poncedeleon, Roberto Figueroa, Jonathan Cruz-Carmona, Xavier Torres, Jean Karlos Pizarro, Obed Torres Garcia, Victor Nunez (Attachments: # <u>1</u> Certificate of Service)(Vacca, Paul) (Entered: 01/27/2021)
02/12/2021	<u>511</u>	Proposed Jury Instructions by Xavier Torres (Attachments: # <u>1</u> Certificate of Service) (Verrillo, Maurice) (Entered: 02/12/2021)
02/16/2021		E-Filing Notification regarding <u>511</u> Proposed Jury Instructions by Xavier Torres: Incorrect case number on document. Action required: re-file document in proper format. (AMW) (Entered: 02/16/2021)

02/16/2021	515	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.: Pretrial Conference as to Carlos Javier Figueroa, Xavier Torres, Jean Karlos Pizarro held on 2/16/2021. The Court grants defendant Carlos Figueroa's request for an additional week to file jury instructions and peremptory challenges. Defendant has no witness list; defendant Pizarro is also given a week to file trial documents if he has anything to file. Defendant Figueroa's request for release is denied. The Court adjourns the matter for Carlos Figueroa to 2/24/21 at 10:00 a.m. for status; 2/24/21 at 3:00 PM for status for Xavier Torres; and 2/23/21 at 11:00 a.m. for Jean Karlos Pizarro. These appearances will all be IN PERSON. Defendants all remain detained. Rob Marangola, AUSA; Cassie Kocher, AUSA; Paul Vacca, Esq.; Maurice Verrillo, Esq.; Matt Lembke, Esq.; Nicolas Penchaszadeh, Interpreter; Jesus Barberia, Interpreter, all in person. (Court Reporter Christi Macri.)(PR) (Entered: 02/18/2021)
02/17/2021	<u>512</u>	Proposed Jury Instructions by Xavier Torres (Attachments: # <u>1</u> Certificate of Service) (Verrillo, Maurice) (Entered: 02/17/2021)
02/22/2021	<u>516</u>	MEMORANDUM IN OPPOSITION to 404b Evidence by Xavier Torres (Attachments: # <u>1</u> Certificate of Service)(Verrillo, Maurice) (Entered: 02/22/2021)
02/24/2021	520	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.: Pretrial Conference as to Xavier Torres held on 2/24/2021. The Court confirms that defendant has noticed his witnesses and exhibits; regarding jury instructions, defendant asks for a limiting instruction re: nickname and bad acts; defendant objects to a <i>Pinkerton</i> charge; defendant is agreeable to stipulations on foundational items. The Government states it will respond to defendant's motion for Rule 404(b) evidence. Regarding Inv. Gonzalez, the Government confirms it has turned over to defense counsel the information it has in its possession. Defendant states there will not be a pretrial disposition; the Government puts defendant's potential exposure on the record. The Court will adjourn the trial pursuant to General Order 145, the parties do not object; the parties do not object to a Speedy Trial Exclusion. The Court will send out detailed juror questionnaires and schedules a status on 4/19/21 at 9:00 a.m. for the parties to return to court to review the completed questionnaires. The Court adjourns the trial to 4/26/21 at 8:30 a.m. The Court excludes the time from 3/15/21 to 4/26/21 in the interests of justice pursuant to 18:3161(h)(7). Defendant remains detained. Rob Marangola, AUSA; Cassie Kocher, AUSA; Maurice Verrillo, Esq.(Court Reporter Christi Macri.)(PR) (Entered: 02/25/2021)
03/03/2021	<u>522</u>	MEMORANDUM/BRIEF <i>Government's Response to Xavier Torres' Rule 404(b) Memorandum</i> by USA as to Xavier Torres (Marangola, Robert) (Entered: 03/03/2021)
03/03/2021	<u>523</u>	MOTION to Sever Defendant by USA as to Xavier Torres. (Kocher, Cassie) (Entered: 03/03/2021)
03/03/2021	524	TEXT ORDER: The Government has filed a Motion to Sever as to Xavier Torres. ECF No. <u>523</u> . The Government indicates that Torres consents to the Motion. A Status Conference to discuss the Motion is set for 3/5/2021 at 12:00 PM before Hon. Frank P. Geraci, Jr. This appearance will take place in person. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 3/3/21.(BJJ) (Entered: 03/03/2021)
03/05/2021	526	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.: Appearances in person: Defendant Xavier Torres with Maurice Verrillo, Esq.; Robert Marangola, AUSA a Status Conference regarding <u>523</u> Government Motion to Sever defendant as to Xavier Torres held on 3/5/2021. Defendant consents to severance. Jury Trial for Xavier Torres reset for 10/12/2021 08:30 AM before Hon. Frank P. Geraci, Jr. (Court Reporter Christi Macri.) (LMD) (Entered: 03/10/2021)
07/28/2021	<u>595</u>	PRETRIAL ORDER as to Xavier Torres: Pretrial Conference set for 9/15/2021 03:00 PM before Hon. Frank P. Geraci, Jr. Pretrial materials due in accordance with the attached

		order. Jury Trial remains set to commence 10/12/2021. Signed by Hon. Frank P. Geraci, Jr. on 7/28/21.(BJJ) (Entered: 07/28/2021)
09/01/2021	<u>618</u>	CJA 24 as to Xavier Torres: Authorization to Pay Maurice J. Verrillo \$5,106.35 for Transcript, Voucher # 0209.1241294. Signed by Hon. Frank P. Geraci, Jr. on 8/18/21. (JHF) (Entered: 09/01/2021)
09/01/2021	<u>619</u>	TRIAL BRIEF by USA as to Xavier Torres (Marangola, Robert) (Entered: 09/01/2021)
09/01/2021	<u>620</u>	WITNESS LIST by USA as to Xavier Torres (Marangola, Robert) (Entered: 09/01/2021)
09/01/2021	<u>621</u>	Proposed Jury Instructions by USA as to Xavier Torres (Marangola, Robert) (Entered: 09/01/2021)
09/01/2021	<u>622</u>	Proposed Voir Dire by USA as to Xavier Torres (Marangola, Robert) (Entered: 09/01/2021)
09/09/2021	<u>624</u>	MOTION for Protective Order by USA as to Xavier Torres. (Kocher, Cassie) (Entered: 09/09/2021)
09/09/2021		Motions No Longer Referred as to Xavier Torres: <u>624</u> MOTION for Protective Order (KAP) (Entered: 09/09/2021)
09/10/2021	<u>625</u>	PROTECTIVE ORDER as to Xavier Torres. Signed by Hon. Frank P. Geraci, Jr. on 9/9/21. (JHF) (Entered: 09/10/2021)
09/15/2021	<u>626</u>	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.:Pretrial Conference as to Xavier Torres held on 9/15/2021. Defendant's in limine motion is due by 9/22/2021; Government's response due 9/27/2021; Argument on the motion is scheduled for 10/1/21 at 3:00 PM before Hon. Frank P. Geraci, Jr. The Court moves Jury Selection to 10/7/21 at 8:30 a.m, proof to start on 10/12/21. Rob Marangola, AUSA; Cassie Kocher, AUSA; Maurice Verillo, Esq. (Court Reporter Diane Martens.)(PR) (Entered: 09/16/2021)
09/19/2021		Set/Reset Hearings as to Xavier Torres: Status Conference set for 9/20/2021 03:30 PM before Hon. Frank P. Geraci, Jr.. (PR) (Entered: 09/19/2021)
09/20/2021	<u>628</u>	Letter filed by Carlos Javier Figueroa as to Carlos Javier Figueroa, Leitscha Poncedeleon, Roberto Figueroa, Jonathan Cruz-Carmona, Xavier Torres, Jean Karlos Pizarro, Obed Torres Garcia, Victor Nunez (Attachments: # <u>1</u> Certificate of Service)(Vacca, Paul) (Entered: 09/20/2021)
09/20/2021	<u>632</u>	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.:Status Conference as to Xavier Torres held on 9/20/2021. Appearances: Maurice J. Verrillo, Esq.; Robert Marangola, AUSA; Cassie M. Kocher, AUSA. Parties request an adjournment of the trial date, the Court grants the joint request. Jury Trial set to commence on 10/18/2021 at 8:30 AM before Hon. Frank P. Geraci, Jr.. Time is excluded in the interests of justice pursuant to 18 U.S.C. § 3161 (h)(7)(A) until 10/18/2021 for reasons stated on the record. (Court Reporter Christi Macri.)(JB) (Entered: 09/27/2021)
09/22/2021	<u>630</u>	Second MOTION in Limine by Xavier Torres. (Attachments: # <u>1</u> Affidavit Attorney Affidavit, # <u>2</u> Certificate of Service Certificate of Service)(Verrillo, Maurice) (Entered: 09/22/2021)
09/23/2021	<u>631</u>	TEXT ORDER as to Xavier Torres: Pursuant to the parties' agreement, Jury Trial now set to commence on 10/18/2021 at 08:30 AM before Hon. Frank P. Geraci, Jr. The parties consent to exclusion of time from the speedy trial clock until 10/18/2021 in the interests of justice. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 9/23/21.(BJJ) (Entered: 09/23/2021)
09/27/2021	<u>633</u>	RESPONSE to Motion by USA as to Xavier Torres re <u>630</u> Second MOTION in Limine

		(Marangola, Robert) (Entered: 09/27/2021)
10/01/2021	635	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.: Motion Hearing as to Xavier Torres held on 10/1/2021 re <u>630</u> Second MOTION in Limine filed by Xavier Torres. The Court denies defendant's motion to preclude. Defendant remains detained. Rob Marangola, AUSA, Cassie Kocher, AUSA; Maurice Verillo, Esq. (Court Reporter Christi Macri.)(PR) (Entered: 10/01/2021)
10/08/2021		Writ of Habeas Corpus ad Testificandum Issued as to Jose Figueroa, 18-B-1117, for 10/18/2021. One copy of writ hand delivered to U.S. Marshal; one certified copy mailed and faxed to Superintendent of Elmira Correctional Facility; one certified copy hand delivered to U.S. Attorney's Office, one certified mailed copy to defendant's attorney. (JHF) (Entered: 10/08/2021)
10/08/2021	<u>640</u>	Petition and Order for Writ of Habeas Corpus ad Testificandum for Jose Figueroa, 18-B-1117, as to Xavier Torres. Signed by Hon. Frank P. Geraci, Jr. on 10/6/21. (JHF) (Entered: 10/08/2021)
10/11/2021	<u>641</u>	INFORMATION TO ESTABLISH PRIOR CONVICTION as to Xavier Torres (Kocher, Cassie) (Entered: 10/11/2021)
10/13/2021		Status Conference set for 10/15/2021 10:00 AM before Hon. Frank P. Geraci, Jr. Signed by Hon. Frank P. Geraci, Jr. on 10/13/21. (PR) (Entered: 10/13/2021)
10/15/2021	<u>642</u>	SEALED Notice of Filing by USA. (Attachments: # <u>1</u> Motion for Protective Order) (JHF) Modified on 11/1/2021 (JHF). (Entered: 10/15/2021)
10/15/2021	<u>643</u>	SEALED Notice of Filing by USA. (Attachments: # <u>1</u> Motion for Protective Order) (JHF) Modified on 11/1/2021 (JHF). (Entered: 10/15/2021)
10/15/2021	<u>644</u>	SEALED Notice of Filing by USA. (Attachments: # <u>1</u> Motion for Protective Order) (JHF) Modified on 11/1/2021 (JHF). (Entered: 10/15/2021)
10/15/2021	<u>645</u>	SEALED Notice of Filing by USA. (Attachments: # <u>1</u> Motion for Protective Order) (JHF) Modified on 11/1/2021 (JHF). (Entered: 10/15/2021)
10/15/2021	<u>646</u>	SEALED Notice of Filing by USA. (Attachments: # <u>1</u> Motion for Protective Order) (JHF) Modified on 11/1/2021 (JHF). (Entered: 10/15/2021)
10/15/2021	647	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.: Status Conference as to Xavier Torres held on 10/15/2021. Counts 5, 6, 12, 13 and 14 are dismissed. Jury selection will move forward as scheduled. Defendant is continued detained. Cassie Kocher, AUSA; Maurice Verillo, Esq. (Court Reporter Christi Macri.)(PR) (Entered: 10/18/2021)
10/18/2021	<u>648</u>	SEALED Notice of Filing by USA. (Attachments: # <u>1</u> Motion for Protective Order) (JHF) Modified on 11/1/2021 (JHF). (Entered: 10/18/2021)
10/18/2021		DISMISSAL OF COUNTS 5, 6, 12, 13 and 14 on Government Motion as to Xavier Torres. (JHF) (Entered: 10/18/2021)
10/18/2021	649	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.: Jury Trial as to Xavier Torres held on 10/18/2021. A jury of 12 and 4 alternates are chosen and sworn. Defendant remains detained. Rob Marangola, AUSA; Cassie Kocher, AUSA; Maurice Verillo, Esq. (Court Reporter Christi Macri.)(PR) (Entered: 10/19/2021)
10/19/2021	650	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.: Jury Trial as to Xavier Torres held on 10/19/2021. The Court marks the Stipulation as Court Ex. 1. (Court Reporter Christi Macri.)(PR) (Entered: 10/20/2021)

10/20/2021	651	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.:Jury Trial as to Xavier Torres held on 10/20/2021. (Court Reporter Christi Macri.)(PR) (Entered: 10/21/2021)
10/21/2021	652	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.:Jury Trial as to Xavier Torres held on 10/21/2021 (Court Reporter Christi Macri.)(PR) (Entered: 10/21/2021)
10/22/2021	653	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.:Jury Trial as to Xavier Torres held on 10/22/2021 (Court Reporter Christi Macri.)(PR) (Entered: 10/25/2021)
10/25/2021	654	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.:Jury Trial as to Xavier Torres held on 10/25/2021 (Court Reporter Christi Macri.)(PR) (Entered: 10/25/2021)
10/26/2021	<u>655</u>	Writ of Habeas Corpus ad Prosequendum Returned Executed as to Xavier Torres on 10/18/21. (JHF) (Entered: 10/26/2021)
10/26/2021	656	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.:Jury Trial as to Xavier Torres held on 10/26/2021. (Court Reporter Christi Macri.)(PR) (Entered: 10/27/2021)
10/27/2021	657	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.:Jury Trial as to Xavier Torres held on 10/27/2021 (Court Reporter Christi Macri.)(PR) (Entered: 11/01/2021)
10/28/2021	658	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.:Jury Trial as to Xavier Torres held on 10/28/2021 (Court Reporter Christi Macri.)(PR) (Entered: 11/01/2021)
11/01/2021	659	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.:Jury Trial as to Xavier Torres held on 11/1/2021. (Court Reporter Christi Macri.)(PR) (Entered: 11/02/2021)
11/02/2021	660	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.:Jury Trial as to Xavier Torres held on 11/2/2021. (Court Reporter Christi Macri.)(PR) (Entered: 11/04/2021)
11/03/2021	661	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.:Jury Trial as to Xavier Torres held on 11/3/2021. Government rests. Defendant's Rule 29 motion for judgment of acquittal is denied. Defendant confirms to the Court that he does not wish to testify. (Court Reporter Christi Macri.)(PR) (Entered: 11/04/2021)
11/04/2021	662	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.:Jury Trial as to Xavier Torres held on 11/4/2021. Defendant renews his Rule 29 motion; the Court denies the motion. Closing statements and closing charge; Court orders lunch for the jury. The jury renders its verdict of guilty on both counts, and answers the special interrogatories. The Court sets sentencing for 1/14/2022 03:30 PM before Hon. Frank P. Geraci, Jr. Sentencing Statements/Motions are due by 12/23/21; Responses/Objections are due by 12/30/21; Character Letters are due by 1/7/22; PSR to the Court by 1/7/22. Defendant is remanded to custody. Rob Marangola, AUSA; Cassie Kocher, AUSA; Maurice Verrillo, Esq. (Court Reporter Christi Macri.)(PR) (Entered: 11/05/2021)
11/04/2021	<u>663</u>	JURY VERDICT as to Xavier Torres (5) Guilty on Count 1sss, 2sss. (JHF) (Entered: 11/05/2021)
11/04/2021	<u>664</u>	Sealed Unredacted Document as to Xavier Torres filed pursuant to FRCrP 49.1. (JHF) (Entered: 11/05/2021)
11/16/2021	<u>666</u>	Letter filed by Xavier Torres <i>Request for Extension of Time</i> (Verrillo, Maurice) (Entered: 11/16/2021)
11/17/2021	670	TEXT ORDER as to Xavier Torres granting defendant's request for an extension of time to file post-trial motions. Defendant's motions are due on or before 12/1/21. IT IS SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 11/17/21.(PR) (Entered: 11/17/2021)
12/01/2021	<u>671</u>	MOTION for Acquittal, MOTION for New Trial by Xavier Torres. (Attachments: # <u>1</u> Exhibit "A", # <u>2</u> Exhibit "B", # <u>3</u> Certificate of Service) (Verrillo, Maurice) (Entered: 12/01/2021)

		12/01/2021)
12/01/2021	<u>672</u>	TEXT ORDER: Defendant Xavier Torres has filed a <u>671</u> MOTION for Acquittal, MOTION for New Trial. The Government shall respond no later than 12/15/21. Sentencing remains scheduled for 1/14/22 at 3:30pm. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 12/01/2021. (SFR) (Entered: 12/01/2021)
12/10/2021	<u>673</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of TRIAL as to Xavier Torres held on 10/19/2021 before Judge Frank P. Geraci, Jr. Court Reporter/Transcriber Christi Macri, christimacri50@gmail.com. Volume Number: 1. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/3/2022. Redacted Transcript Deadline set for 1/10/2022. Release of Transcript Restriction set for 3/10/2022. (CM) (Entered: 12/10/2021)
12/10/2021	<u>674</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of TRIAL as to Xavier Torres held on 10/20/21 before Judge Frank P. Geraci, Jr. Court Reporter/Transcriber Christi Macri, christimacri50@gmail.com. Volume Number: 2. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/3/2022. Redacted Transcript Deadline set for 1/10/2022. Release of Transcript Restriction set for 3/10/2022. (CM) (Entered: 12/10/2021)
12/10/2021	<u>675</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of TRIAL as to Xavier Torres held on 10/21/2021 before Judge Frank P. Geraci, Jr. Court Reporter/Transcriber Christi Macri, christimacri50@gmail.com. Volume Number: 3. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/3/2022. Redacted Transcript Deadline set for 1/10/2022. Release of Transcript Restriction set for 3/10/2022. (CM) (Entered: 12/10/2021)
12/10/2021	<u>676</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of TRIAL as to Xavier Torres held on 10/22/2021 before Judge Frank P. Geraci, Jr. Court Reporter/Transcriber Christi Macri, christimacri50@gmail.com. Volume Number: 4. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/3/2022. Redacted Transcript Deadline set for 1/10/2022. Release of Transcript Restriction set for 3/10/2022. (CM) (Entered: 12/10/2021)
12/10/2021	<u>677</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of TRIAL as to Xavier Torres held on 10/25/2021 before Judge Frank P. Geraci, Jr. Court Reporter/Transcriber Christi Macri, christimacri50@gmail.com. Volume Number: 5. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/3/2022. Redacted Transcript Deadline set for 1/10/2022. Release of Transcript Restriction set for 3/10/2022. (CM) (Entered: 12/10/2021)
12/10/2021	<u>678</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of TRIAL as to Xavier Torres held on 10/26/2021 before Judge Frank P. Geraci, Jr. Court Reporter/Transcriber Christi Macri, christimacri50@gmail.com. Volume Number: 6. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/3/2022. Redacted Transcript Deadline set for

		1/10/2022. Release of Transcript Restriction set for 3/10/2022. (CM) (Entered: 12/10/2021)
12/10/2021	<u>679</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of TRIAL as to Xavier Torres held on 10/27/2021 before Judge Frank P. Geraci, Jr. Court Reporter/Transcriber Christi Macri, christimacri50@gmail.com. Volume Number: 7. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/3/2022. Redacted Transcript Deadline set for 1/10/2022. Release of Transcript Restriction set for 3/10/2022. (CM) (Entered: 12/10/2021)
12/10/2021	<u>680</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of TRIAL as to Xavier Torres held on 10/28/2021 before Judge Frank P. Geraci, Jr. Court Reporter/Transcriber Christi Macri, christimacri50@gmail.com. Volume Number: 8. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/3/2022. Redacted Transcript Deadline set for 1/10/2022. Release of Transcript Restriction set for 3/10/2022. (CM) (Entered: 12/10/2021)
12/10/2021	<u>681</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of TRIAL as to Xavier Torres held on 11/1/2021 before Judge Frank P. Geraci, Jr. Court Reporter/Transcriber Christi Macri, christimacri50@gmail.com. Volume Number: 9. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/3/2022. Redacted Transcript Deadline set for 1/10/2022. Release of Transcript Restriction set for 3/10/2022. (CM) (Entered: 12/10/2021)
12/10/2021	<u>682</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of TRIAL as to Xavier Torres held on 11/2/2021 before Judge Frank P. Geraci, Jr. Court Reporter/Transcriber Christi Macri, christimacri50@gmail.com. Volume Number: 10. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/3/2022. Redacted Transcript Deadline set for 1/10/2022. Release of Transcript Restriction set for 3/10/2022. (CM) (Entered: 12/10/2021)
12/10/2021	<u>683</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of TRIAL as to Xavier Torres held on 11/3/2021 before Judge Frank P. Geraci, Jr. Court Reporter/Transcriber Christi Macri, christimacri50@gmail.com. Volume Number: 11. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/3/2022. Redacted Transcript Deadline set for 1/10/2022. Release of Transcript Restriction set for 3/10/2022. (CM) (Entered: 12/10/2021)
12/10/2021	<u>684</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of TRIAL as to Xavier Torres held on 11/4/2021 before Judge Frank P. Geraci, Jr. Court Reporter/Transcriber Christi Macri, christimacri50@gmail.com. Volume Number: 12. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/3/2022. Redacted Transcript Deadline set for 1/10/2022. Release of Transcript Restriction set for 3/10/2022. (CM) (Entered: 12/10/2021)
12/15/2021	<u>685</u>	RESPONSE in Opposition by USA as to Xavier Torres re <u>671</u> MOTION for Acquittal, MOTION for New Trial <i>Government's Memorandum of Law in Opposition to Defendant's Post-Trial Rule 29 Motion and Motion for New Trial</i> (Marangola, Robert) (Entered: 12/15/2021)

12/21/2021	<u>686</u>	ORDER MODIFYING ORDER APPOINTING COORDINATING DISCOVERY ATTORNEY as to Carlos Javier Figueroa, Roberto Figueroa, Leitscha Poncedeleon, Jonathan Cruz-Carmona, Xavier Torres, Jean Karlos Pizarro, Obed Torres Garcia, Victor Nunez. Signed by Hon. Mark W. Pedersen on 12/20/21.(KAP) -CLERK TO FOLLOW UP- (Entered: 12/21/2021)
12/21/2021	<u>687</u>	PRESENTENCE INVESTIGATION REPORT (Sealed) as to Xavier Torres. (Gill, Victoria) (Entered: 12/21/2021)
12/22/2021	<u>688</u>	STATEMENT WITH RESPECT TO SENTENCING FACTORS by USA as to Xavier Torres (Marangola, Robert) (Entered: 12/22/2021)
01/04/2022	<u>689</u>	STATEMENT WITH RESPECT TO SENTENCING FACTORS by Xavier Torres (Attachments: # <u>1</u> Exhibit, # <u>2</u> Certificate of Service)(Verrillo, Maurice) (Entered: 01/04/2022)
01/06/2022	<u>690</u>	ORDER as to Xavier Torres granting the Government's request for a sentencing hearing and converting the sentencing date to a status conference. The Court will set the hearing date at the status. Status Conference set for 1/14/2022 02:00 PM before Hon. Frank P. Geraci, Jr. by zoom. Public access can be obtained by calling chambers at 585-613-4090. Signed by Hon. Frank P. Geraci, Jr. on 1/6/22.(PR) (Entered: 01/06/2022)
01/06/2022	<u>691</u>	REVISED PRESENTENCE INVESTIGATION REPORT (Sealed) as to Xavier Torres. (Bezenah, Jennifer) (Entered: 01/06/2022)
01/07/2022	<u>692</u>	RECOMMENDATION (Sealed) as to Xavier Torres. (Bezenah, Jennifer) (Entered: 01/07/2022)
01/14/2022	<u>693</u>	CONSENT ORDER TO APPEAR BY VIDEO as to Xavier Torres. Signed by Hon. Frank P. Geraci, Jr. on 1/14/22.(PR) (Entered: 01/19/2022)
01/14/2022	<u>694</u>	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.:Status Conference as to Xavier Torres held on 1/14/2022. The Court grants the Government's request for a Sentencing Hearing. The hearing is scheduled for 3/16/2022 03:00 PM before Hon. Frank P. Geraci, Jr. The Court will set a date for sentencing after the hearing. Defendant is detained. Rob Marangola, AUSA; Maurice Verillo, Esq.; Kerry Chartier, USPO for Jennifer Fish, USPO, by Zoom (Court Reporter Christi Macri.)(PR) (Entered: 01/19/2022)
02/14/2022	<u>696</u>	LETTER MOTION to Adjourn Sentencing filed by Carlos Javier Figueroa. (Attachments: # <u>1</u> Certificate of Service) (Vacca, Paul) Modified on 2/15/2022 (JHF). (Entered: 02/14/2022)
02/28/2022	<u>700</u>	MOTION to Seal by Xavier Torres. (JHF) (Entered: 02/28/2022)
02/28/2022	<u>701</u>	Sealed Document as to Xavier Torres. (JHF) (Entered: 02/28/2022)
03/01/2022	<u>702</u>	TEXT ORDER granting <u>700</u> Motion to Seal as to Xavier Torres. The Government is directed to respond to Defendant's <u>701</u> Motion by 3/4/2022. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 3/1/2022. (SFR) (Entered: 03/01/2022)
03/04/2022	<u>703</u>	MEMORANDUM/BRIEF <i>Government's Response to Motion for Subpoenas</i> by USA as to Xavier Torres (Marangola, Robert) (Entered: 03/04/2022)
03/16/2022	<u>704</u>	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.:Sentencing Hearing began on 3/16/2022 for Xavier Torres. The Court continues the hearing to 3/23/2022 01:00 PM before Hon. Frank P. Geraci, Jr. Defendant remains detained. Rob Marangola,

		AUSA; Cassie Kocher, AUSA; Maurice Verillo, Esq.; Jennifer Fish, USPO; Nick Bavaria, USPO. (Court Reporter Christi Macri.)(PR) (Entered: 03/17/2022)
03/18/2022	<u>705</u>	Petition and Order for Writ of Habeas Corpus ad Testificandum. Signed by Hon. Frank P. Geraci, Jr. on 3/18/2022.(TF) (Entered: 03/18/2022)
03/18/2022		Writ of Habeas Corpus ad Testificandum Issued as to Victor Nunez for 3/23/2022 in case as to Xavier Torres (TF) (Entered: 03/18/2022)
03/22/2022	707	TEXT ORDER as to Xavier Torres. Sentencing Hearing continuation reset for 3/24/2022 10:00 AM before Hon. Frank P. Geraci, Jr. IT IS SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 3/22/22.(PR) (Entered: 03/22/2022)
03/22/2022	<u>708</u>	Petition and Order for Writ of Habeas Corpus ad Testificandum. Signed by Hon. Frank P. Geraci, Jr. on 3/22/22. (JHF) (Entered: 03/22/2022)
03/22/2022		Writ of Habeas Corpus ad Testificandum Issued as to Victor Nunez for 3/24/2022 in case as to Xavier Torres. (JHF) (Entered: 03/22/2022)
03/23/2022	<u>709</u>	Letter filed by Xavier Torres (Attachments: # <u>1</u> Certificate of Service)(Verrillo, Maurice) (Entered: 03/23/2022)
03/24/2022	710	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.:Sentencing Hearing continued on 3/24/2022 for Xavier Torres. Defendant renews his request for subpoenas requesting mental health records of the witness Nunez. The Court grants the request in part -- the Court will receive the records in camera and decide whether or not they are relevant to this proceeding before giving them to defendant. The Court denies defendant's request to call Joseph Briganti; the Court grants defendant's request to call Luis Rosario as a witness and adjourns the matter to 3/31/22 at 11:00 a.m. for a continuation of the hearing. Defendant remains detained. Rob Marangola, AUSA; Cassie Kocher, AUSA; Maurice Verillo, Esq. (Court Reporter Christi Macri.)(PR) (Entered: 03/24/2022)
03/29/2022	<u>713</u>	Writ of Habeas Corpus ad Testificandum Returned Executed for Victor Nunez on 3/24/22 in case as to Xavier Torres. (JHF) (Entered: 03/29/2022)
03/31/2022	714	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.:Sentencing hearing completed on 3/31/2022 for Xavier Torres (5). The Court adjourns the matter for Status Conference for 4/27/2022 03:00 PM before Hon. Frank P. Geraci, Jr. Defendant remains detained. Rob Marangola, AUSA; Cassie Kocher, AUSA; Maurice Verillo, Esq.; Jennifer Fish, USPO (Court Reporter Christi Macri.)(PR) (Entered: 03/31/2022)
04/04/2022	<u>716</u>	Sealed Document as to Xavier Torres. (JHF) (Entered: 04/04/2022)
04/20/2022	<u>718</u>	Sealed Document as to Xavier Torres. (JHF) (Entered: 04/20/2022)
04/26/2022	<u>719</u>	DECISION AND ORDER: The Court has completed <i>in camera</i> review of certain witness mental health records at the request of Defendant Xavier Torres. Defendant Torres moved for the release of those records to the defense after an <i>in camera</i> review had been conducted. Having reviewed the records, the Court finds no basis for the release of such records and Defendant's request is therefore DENIED. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 4/26/2022.(SFR) (Entered: 04/26/2022)
04/27/2022	720	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.:Status Conference as to Xavier Torres held on 4/27/2022. The Court denies defendant's request to review Nunez's medical records by <u>719</u> Decision and Order entered 4/26/22; the Court denies defendant's <u>671</u> Motion for Acquittal and Motion for a New Trial. Sentencing set for 5/19/2022 10:00 AM before Hon. Frank P. Geraci, Jr. All sentencing submissions must be filed by 5/12/22. Defendant remains detained. Rob Marangola, AUSA; Cassie Kocher,

		AUSA; Maurice Verillo, Esq.; Jennifer Fish, USPO (Court Reporter Christi Macri.)(PR) (Entered: 05/01/2022)
05/05/2022	<u>722</u>	Sealed Document as to Xavier Torres. (JHF) (Entered: 05/05/2022)
05/05/2022	<u>723</u>	Sealed Document as to Xavier Torres. (JHF) (Entered: 05/05/2022)
05/13/2022	<u>733</u>	MEMORANDUM/BRIEF <i>Government's Response to Defendant's Sentencing Objections</i> by USA as to Xavier Torres (Marangola, Robert) (Entered: 05/13/2022)
05/17/2022	<u>734</u>	Sealed Document as to Xavier Torres. (Attachments: # <u>1</u> Sealed Exhibit)(RE) (Entered: 05/17/2022)
05/19/2022	<u>735</u>	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.:Sentencing held on 5/19/2022 for Xavier Torres (5), Count(s) 1, 10s-11s, 12s, 14s, 15s, 15ss-16ss, 16s, 17ss, 1s, 1ss, 2, 2s, 2ss, Dismissed; Count(s) 11ss, 12ss-13ss, 12ss, 13ss Dismissed; Count(s) 12sss-13sss, 12sss, 13sss Dismissed on Government Motion; Count(s) 14sss, Dismissed on Government Motion. The Court overrules defendant's objections to the PSR and finds that the evidence supports the finding of murder under USSG Section 2D1.1. Defendant is sentenced to the custody of the BOP and the Attorney General on Count(s) 1sss, Life; 10 years supervised release; \$2,500 fine; \$100 SpA; Count(s) 2sss, 240 months, consecutive to Count 1sss; 5 years supervised release, concurrent with Count 1sss; \$100 SpA; Count(s) 3-4, 5, 5 Dismissed; Count(s) 5sss-6sss, 5sss, 6sss Dismissed on Government Motion. Forfeiture of the firearm. Rob Marangola, AUSA; Cassie Kocher, AUSA; Maurice Verillo, Esq.; Jennifer Fish, USPO(Court Reporter Brandi Wilkins.) (PR) (Entered: 05/24/2022)
05/24/2022	<u>736</u>	JUDGMENT as to Xavier Torres (5), Count(s) 1, 10s-11s, 12s, 14s, 15s, 15ss-16ss, 16s, 17ss, 1s, 1ss, 2, 2s, 2ss, Dismissed; Count(s) 11ss, 12ss-13ss, 12ss, 13ss Dismissed; Count(s) 12sss-13sss, 12sss, 13sss Dismissed on Government Motion; Count(s) 14sss, Dismissed on Government Motion; Count(s) 1sss, Life; 10 years supervised release; \$2,500 fine; \$100 SpA; Count(s) 2sss, 240 months, consecutive to Count 1sss; 5 years supervised release, concurrent with Count 1sss; \$100 SpA; Count(s) 3-4, 5, 5 Dismissed; Count(s) 5sss-6sss, 5sss, 6sss Dismissed on Government Motion. Additional certified copies forwarded to USPO, USM, US Attorney, Debt Collection, Financial Department. Signed by Hon. Frank P. Geraci, Jr. on 5/23/22. (JHF) (Entered: 05/24/2022)
05/24/2022	<u>737</u>	Sealed Document (Statement of Reasons) as to Xavier Torres. (JHF) (Entered: 05/24/2022)
05/24/2022	<u>738</u>	NOTICE OF APPEAL as to <u>736</u> Judgment. (Attachments: # <u>1</u> Certificate of Service) (Verrillo, Maurice) (Entered: 05/24/2022)
05/24/2022		<p>Within 14 days of filing the <u>738</u> Notice of Appeal, the appellant is required to electronically file with the District Court an index of filed documents it wishes the Court of Appeals to consider, called Designation of Record on Appeal. After receipt, the Clerk's Office will certify and transmit the index to the Circuit.</p> <p>Pursuant to Local Rule 12.2 of the US Court of Appeals for the Second Circuit, Form B must be completed within 14 days after the filing of a notice of appeal. Form B can be obtained at: <www.ca2.uscourts.gov>. (JHF) (Entered: 05/24/2022)</p>

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